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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 323**

**The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013**

**PART 4**

**SPECIFIC MEASURES TO PREVENT AND CONTROL POLLUTION OF GROUNDWATER**

**Procedure for assessing groundwater chemical status**

**22.**—(1) SEPA must use the procedure in paragraph (2) to assess the chemical status of a body of groundwater but, in carrying out this procedure, a body of groundwater may, if appropriate, be grouped with other such bodies in accordance with Annex V to the Water Framework Directive.

(2) The body of groundwater (or group of such bodies) must be considered to be of good chemical status when—

- (a) relevant monitoring shows that the conditions set out in section 2.3.2 (good groundwater chemical status) of Annex V to the Water Framework Directive are being met;
- (b) the values for the groundwater quality standards in Annex I to the Groundwater Directive and the threshold values which apply for the purposes of regulation 21(1)(b) are not exceeded at any monitoring point in the body of groundwater (or group of such bodies); or
- (c) the value for any such groundwater quality standard or any such threshold value is exceeded at one or more monitoring points but an appropriate investigation in accordance with Annex III to the Groundwater Directive confirms that—
  - (i) on the basis of the assessment referred to in paragraph 3 of Annex III to the Groundwater Directive, the concentrations of pollutants exceeding the groundwater quality standard or threshold value is not considered to present a significant environmental risk, taking into account, where appropriate, the extent of the body of groundwater (or group of such bodies) which is affected;
  - (ii) the other conditions for good groundwater chemical status in section 2.3.2 in Annex V to the Water Framework Directive are being met in accordance with paragraph 4 of Annex III to the Groundwater Directive;
  - (iii) for any body of groundwater identified in accordance with section 6 (water used for abstraction) of the Act, the requirements of regulation 11 are being met in accordance with paragraph 4 of Annex III to the Groundwater Directive; and
  - (iv) the ability of the body of groundwater (or, as the case may be, each such body in the group) to support human uses has not been significantly impaired by pollution.

(3) SEPA must publish a summary of the assessment of groundwater chemical status in the river basin management plan (or the next update of it), including an explanation as to the manner in which exceedances of groundwater quality standards or threshold values at individual monitoring points have been taken into account in the final assessment.

(4) If a body of groundwater is classified as being of good chemical status in accordance with paragraph (2)(c), SEPA must, in exercising its functions under the relevant enactments, take such action as may be necessary to protect aquatic ecosystems, terrestrial ecosystems and human uses of groundwater dependent on the part of the body of groundwater represented by the monitoring point or points at which the value for a groundwater quality standard or the threshold value has been exceeded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013, Section 22.